

KSR 11/13/01 13:40
3:01-CV-01777 SUSTEREN V. JONES
15
STMTFACTS.

1 BILL LOCKYER
Attorney General of the State of California
2 MANUEL M. MEDEIROS
Senior Assistant Attorney General
3 LOUIS R. MAURO
Supervising Deputy Attorney General
4 SUSAN R. OIE
Deputy Attorney General
5 State Bar No. 72140
1300 I Street, Suite 125
6 P.O. Box 944255
Sacramento, CA 94244-2550
7 Telephone: (916) 324-5345
Fax: (916) 324-8835
8

9 Attorneys for Defendant
BILL JONES, CALIFORNIA SECRETARY OF STATE

12 IN THE UNITED STATES DISTRICT COURT
13 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

15 ADAM VAN SUSTEREN,

16 Plaintiff,

17 v.

18 BILL JONES, in his official capacity as
California Secretary of State; MIKEL HAAS,
19 in his official capacity as Registrar of Voters,

20 Defendants.

CASE NO. CV 01-1777 BTM (POR)

DEFENDANT'S SEPARATE
STATEMENT OF UNDISPUTED
FACTS IN SUPPORT OF
OPPOSITION TO PLAINTIFF'S
MOTION FOR SUMMARY
JUDGMENT

DATE: November 23, 2001
TIME: 11:00 a.m.
ROOM: 15

The Honorable Barry Ted Moskowitz

24 Defendant BILL JONES hereby submits the following Separate Statement of
25 Undisputed Facts and Supporting Evidence in Support of Opposition to Plaintiff's Motion for
26 Summary Judgment.

27 //

28 //

15
1.

UNDISPUTED MATERIAL FACTS**SUPPORTING EVIDENCE**

1. On 10/03/00, Plaintiff registered to vote as a Republican.

1. Complaint, ¶ 5.

2. On 5/29/01, Plaintiff registered to vote as an "undeclared."

2. Complaint, ¶ 6.

3. On 6/19/01, Plaintiff registered to vote as a Libertarian.

3. Complaint, ¶ 7.

4. On September 28, 2001, Plaintiff filed a petition to obtain ballot access and fee waiver to run for the United States House of Representatives as a Libertarian Party candidate.

4. Complaint, ¶ 8.

5. On September 30, 2001, Plaintiff was informed by the Office of the Registrar of Voters in San Diego County that he was not eligible to file as a partisan candidate because he did not satisfy the requirements of California Elections Code, section 8001, subdivision (a)(2).

5. Complaint, ¶ 8.

6. California has a valid interest in controlling the number of candidates on the ballot and in maintaining the integrity of the various routes to the ballot.

6. Declaration of Melissa Warren, ¶ 3.

7. California has three methods to seek nomination or election to the House of Representatives: (1) filing a declaration of candidacy, nomination petition and filing fee as a partisan candidate representing one of the seven qualified political parties; (2) as an independent candidate; or (3) as a write-in candidate.

7. Declaration of Melissa Warren, ¶ 2.

8. Plaintiff cannot qualify as a partisan candidate representing the Libertarian Party because he was not disaffiliated from any other political party for the twelve months preceding the close of the nomination period.

8. Declaration of Melissa Warren, ¶ 3; Elections Code section 8001, subdivision (a)(2).

//

//

//

1 9. As of the date Plaintiff attempted to file his
2 petition, he could have qualified as an independent
3 candidate for member of the House of
4 Representatives, but cannot now do so because he
was not disaffiliated from a qualified political
party as of October 5, 2001.

5 10. Plaintiff can still file for any party's
6 nomination as a write-in candidate.

7
8 Dated: November 7, 2001

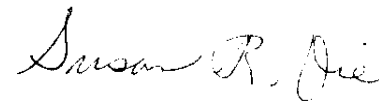
9. Declaration of Melissa Warren,
¶ 4; Elections Code section 8550,
subdivision (f).

10. Declaration of Melissa Warren,
¶ 5; Elections Code section 8600, *et seq.*

Respectfully submitted,

BILL LOCKYER
Attorney General of the State of California
MANUEL M. MEDEIROS
Senior Assistant Attorney General

LOUIS R. MAURO
Supervising Deputy Attorney General



SUSAN R. OIE
Deputy Attorney General
Attorneys for Appellees/Defendants